

SENATE BILL 2087
By Henry

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to protective services to children and
families.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, is amended by adding Sections 2 through 10 of this act as a new part and the Tennessee code commission is requested to entitle such part "Multi-level Response System for Children and Families."

SECTION 2. As used in this part, unless the context requires otherwise, "family" means the members of a household living on a full-time or a part-time basis in one house, condominium, apartment or other dwelling; people related by blood or ancestry, marriage, or adoption; any person who is holding himself out to the public as being a family member of a minor; foster parents and foster children; stepparents and stepchildren; and any other group that the department determines by policy or rule to constitute a family for purposes of this part.

SECTION 3.

(a) The purposes of this part are to safeguard and enhance the welfare of children and to preserve family life by preventing harm and sexual abuse to children and by strengthening the ability of families to parent their children effectively through a multi-level response system using available community-based and public services. It is intended that the department perform its function under this part pursuant to the belief that families can change the circumstances associated with the level of risk to a child when they are provided with intensive and comprehensive services tailored to their strengths and needs. The department's fundamental assumptions shall be that most children are better off with their own families than in substitute care and that separation

has detrimental effects on both parents and children. Whenever possible, preservation of the family should serve as the framework for services, but in any case the best interests of the child shall be paramount.

(b) The further purpose of this part is to authorize and require the department to develop a demonstration program to carry out the purposes stated in subsection (a). A specific objective of the demonstration program is to reduce the incidence of children who are subjected to harm or sexual abuse that requires a report under title 37, chapter 1, part 4 or title 37, chapter 1, part 6. Until the program is in effect statewide this part shall be in effect only in the areas in which the demonstration program is established.

SECTION 4.

(a) No later than January 1 of the year after this act takes effect the department shall establish a demonstration program that conforms to the requirements of this part and carries out its purposes in at least three but no more than five areas of the state selected by the department. The program should be staffed by case managers and other personnel and child protective services investigators as called for in this part. There shall be at least one area in each grand division of the state. Areas may be composed of any combination of one or more counties. No later than January 1 of the second year after this act takes effect the demonstration program shall be expanded to include a total of no less than ten areas of the state selected by the department. No later than January 1 of the fourth year after this act takes effect the program shall be implemented in all areas of the state. To facilitate accomplishment of the purposes of this part the department shall establish a state advisory committee composed of representatives from the offices of the commissioner of correction, education, health, human services, and mental health and developmental disabilities, the commission on children and youth, and any other state agency or office that the department determines

serves children or families in ways that might be used in the demonstration program.

The department shall pursue the creation of such interagency agreements permitted by law as will enable the department to accomplish the purposes of this part.

(b) The department shall advise the governor, the select committee on children and youth, the senate general welfare committee, and the house children and family affairs committee of the progress it is making towards implementation of the program by providing them on October 1 of the year this act takes effect and every six months thereafter until statewide implementation is achieved a summary progress report highlighting key implementation activities, including but not limited to site selection, timelines, barriers to implementation, identification of needed resources, interagency cooperation, and progress in establishing local advisory committees.

SECTION 5.

(a) If the department receives a report under title 37, chapter 1, part 4 or title 37, chapter 1, part 6, and the report does not allege that the child has been harmed or that the child has been sexually abused, the department shall determine whether the information it has shows that the child is at risk of maltreatment, which is abuse as defined in Tennessee Code Annotated section 37-1-102(b)(1) or child sexual abuse as defined in Tennessee Code Annotated section 37-1-602(a)(3). If the child is at risk of maltreatment, the department shall determine, through the use of its screening instrument, whether there is a need for:

- (1) Referral for available community-based or other services without assessment;
- (2) Assessment of the child and the family's need for and referral to available community-based or other services;
- (3) Proceedings under title 37, chapter 1; or

(4) No further action by the department.

The screening instrument shall be developed by the department and submitted to the select committee on children and youth for comment before being used in the demonstration program.

(b) If the department receives a report under title 37, chapter 1, part 4 or title 37, chapter 1, part 6, that alleges a child has actually been harmed or sexually abused, the department shall investigate such report with child protective services investigators pursuant to the provisions of title 37, chapter 1, part 4 or title 37, chapter 1, part 6.

Whether the department determines during its investigation that the child who is the subject of the report has or has not suffered harm or been the victim of child sexual abuse, the department shall file its report with the juvenile court under that part and may proceed with case managers under this section in light of the information it has.

(c) If the department determines under subsection (a) that an assessment of a child and family is appropriate, the department shall give the parents, guardian, or others exercising parental authority a written and oral explanation of the procedure for assessment of the child and family and its purposes. The assessment of the child and family and identification of service needs shall be based on information gathered from the family and other sources. The department shall have such face-to-face contact with the child, parents, and others in the family as is necessary to make the assessment reliable. If the parent is not present during contact with a child, the child's parent or guardian shall be contacted as soon as possible following contact with the child. The assessment of the child and family shall be completed within forty-five (45) days of its initiation. However, upon written justification by the department, the time for completion of the assessment of the child and family may be extended up to a total of sixty (60)

days. The assessment of the child and family shall be recorded in writing and shall be completed in accordance with department policy or regulations.

(d) The department shall consult with the family about available community-based and other services to address the family's needs. When appropriate, the family will be offered services available through the department, other public agencies, or community-based services, which may include faith-based organizations, to promote meeting the needs of the family. The department may not require a family to participate in available public or community-based services that it offers the family. If the family does not cooperate with the provision of available community-based or other services or provide alternative services of its own to meet such needs, then the department shall assess what further steps to take to carry out the purposes of this part. If a family that declines services that are offered to them does not provide adequate alternative services of its own, the department shall inform the parents that their actions in declining services may be considered in future action by the department.

(e) The department shall commence an immediate investigation if at any time during the provision of services under this part it determines that an investigation is required by title 37, chapter 1, part 4 or title 37, chapter 1, part 6, and that investigation shall be conducted under those provisions. The district attorney general and law enforcement officials shall be informed of the investigation as required under those provisions.

SECTION 6. No later than October 1 of the year after the demonstration program is begun under Section 4 of this act, the department shall submit to the governor, the senate general welfare committee, the house committee on children and family affairs, and the select committee on children and youth a report on the first full year of the demonstration program that shall include the results of a preliminary independent evaluation of the demonstration project

conducted according to accepted and objective research principles, including an appropriate comparison to similar areas of the state that were not included in the demonstration project. No later than October 1 of the next year the department shall submit a report to the same parties that shall include the final report of the independent evaluation of the demonstration project. In addition, the department shall provide to the same parties beginning December 1 of the third year after the demonstration program is begun under Section 4 of this act and each year thereafter, until this act is implemented in all areas of the state, an annual report produced or procured by the department. Upon request, all persons and groups to whom the annual report is distributed shall be entitled to receive a detailed explanation of the procedures used to evaluate the system and shall be given the raw data used to support the report. Outcomes to be evaluated in each of these reports shall include but not be limited to the following:

(1) The safety of children under the program compared with children served under title 37, chapter 1, part 4 and title 37, chapter 1, part 6, in light of the following and other factors that may provide useful information about the effectiveness of the program for its purposes:

(A) The number of cases processed under the program by types of risks and needs addressed;

(B) The number of cases referred for proceedings under title 37, chapter 1, by type;

(C) The number of final dispositions of cases in the current reporting year by disposition as follows:

(i) Closed on initial review;

(ii) Closed after assessment;

(iii) Closed after assessment and referral for available community-based or public services;

(iv) Numbers and types of cases in which the department proceeded under title 37, chapter 1, after the initial review; and

(v) Numbers and types of cases in which there were reports of harm or sexual abuse under title 37, chapter 1, part 4 or title 37, chapter 1, part 6, with respect to children in a family considered or served under this part.

(D) The extent to which the program has reduced the incidence of children who are subjected to harm or sexual abuse that would require a report under title 37, chapter 1, part 4 or title 37, chapter 1, part 6, or who otherwise would become eligible for services under title 37, chapter 1.

(E) Estimates as to the risk of future harm or sexual abuse to children with respect to whom reports of harm or sexual abuse were determined not to show there had been harm or sexual abuse or to have been invalid.

(F) The type and amount of community-based and public services received by families.

(2) The timeliness of response by the department under the program;

(3) The timeliness of services provided to children and families under the program;

(4) The level of coordination with local human services and community organizations to ensure community-based services are available to the public through the program;

(5) The cost effectiveness of the program with respect to the department, available community-based service resources, and law enforcement and judiciary resources that might otherwise have become involved in the cases; and

(6) The effectiveness of the program in enhancing the welfare of children and keeping families together.

Upon implementation of the multi-level response system in any area, the department shall ensure that all data necessary for compliance with this section is collected and maintained.

SECTION 7. Before the demonstration program is instituted in an area, the department shall assure that all personnel in the program in that area are thoroughly trained in matters relating to their role in the program, utilizing to the extent possible existing training resources for each profession. The training shall include information on the culturally diverse community, including but not limited to religious, dietary, and education requirements of families affected by this part. At a minimum, training should be provided to all departmental personnel involved in the demonstration project, including case managers. In addition, the department shall offer training to community-based service providers, attorneys, prosecutors, guardians ad litem, judges, and law enforcement personnel. Informational materials concerning the demonstration program should be prepared for families and their attorneys.

SECTION 8. The department shall ensure that in each county in which the multi-level response system program is implemented a local advisory board is formed composed of appropriate community representatives, including representatives from families in the community, local public agencies including schools, health departments and other health care providers, juvenile court, district attorney general and law enforcement officials, and other available community-based resources. Each local advisory board shall recommend ways to bring together the department, families, and available resource providers within that community and shall assist with the development of community-based resources that may be needed by families. The local advisory board may review individual cases, in its discretion, to the extent that such review can be done without jeopardizing the confidentiality of the records or the confidentiality obligations of those who provided the information.

SECTION 9. The department shall collaborate with the local advisory board and the community to identify or develop local formal and informal services for children and families where a child in the home has been harmed by brutality, abuse, or neglect or has been sexually abused and the potential for a recurrence is still present.

SECTION 10. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, title 4, chapter 5.

SECTION 11. Tennessee Code Annotated, Section 37-5-106, is amended by adding the following item:

(_) Administer and fully implement the part of this chapter titled "Multi-level Response System for Children and Families," including making such contracts as may be necessary to carry out the evaluations called for in that part.

SECTION 12. The Tennessee code commission is requested to rename Tennessee Code Annotated, Title 37, Chapter 1, Part 4, as "Reports of Harm to Children."

SECTION 13. This act shall take effect on July 1 of the year in which it is enacted, the public welfare requiring it.